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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 C.S., by and through his Conservator,  
12 MARY STRUBLE, et. al.,  
13 Plaintiff,  
14 vs.  
15 CALIFORNIA DEPARTMENT OF  
16 EDUCATION,  
17 Defendant.

CASE NO. 08-CV-0226 W (AJB)  
**ORDER EXTENDING  
BRIEFING SCHEDULE (Doc.  
No. 9)**

17 On February 5, 2008 Plaintiff C.S. et. al. ("Plaintiffs") commenced this class  
18 action against Defendant California Department of Education ("Defendant" or "CDE")  
19 alleging violations of equal protection and federal law and seeking injunctive relief.  
20 (Doc. No. 1.) On February 19, 2008 Plaintiffs moved for a temporary restraining order  
21 ("TRO"). (Doc. No. 4.) On February 20, 2008, because the alleged irreparable harm  
22 was not imminent, the Court issued a briefing schedule to allow the parties to fully brief  
23 their arguments. (Doc. No. 7.) At the time, Plaintiffs' counsel represented to the Court  
24 that Defendant had been served and was well-aware of the pending action and TRO.

25 On March 5, 2008 Defendant requested an extension of time to file its response  
26 to Plaintiffs' TRO. (Doc. No. 9.) Defendant argues that despite Plaintiffs'  
27 representations to the Court, Plaintiff did not actually serve the CDE with a copy of the  
28 Complaint until February 25, 2008. (*Ex Parte Time Extension 2.*) Plaintiffs' counsel all

1 but concedes this point; she declares that she instructed her attorney service to serve  
2 an address she found on the CDE website, and not the authorized agent. (*Ellen Dowd*  
3 *Decl.* ¶ 5.)

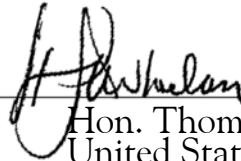
4 Good cause appearing, and because any irreparable injury Plaintiffs may suffer will  
5 not occur until July 1, 2008, (See *February 20, 2008 Order*), the Court **GRANTS**  
6 Defendant's *ex parte* request for a thirty-day extension of time. In further  
7 representations to the Court, Plaintiffs' counsel is expected to be more candid and  
8 adhere to all her responsibilities under the Federal Rules of Civil Procedure.

9 In conclusion:

- 10 1. Defendant's opposition to Plaintiff's application for a TRO must be filed  
11 and served by April 14, 2008.
- 12 2. Plaintiff's reply must be filed and served no later than April 21, 2008.
- 13 3. The hearing date is continued to April 28, 2008. Unless otherwise  
14 notified, the Court will take the matters under submission and without oral  
15 argument. See S.D. Civ. R. 7.1(d.1).

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18 **IT IS SO ORDERED.**

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21 DATED: March 7, 2008

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24 Hon. Thomas J. Whelan  
25 United States District Judge  
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